

ASSEMBLY BILL

No. 939

**Introduced by Committee on Judiciary (Feuer (Chair), Brownley,
Evans, Jones, Krekorian, Lieu, and Monning)**

February 26, 2009

An act to repeal and add Chapter 6 (commencing with Section 2450) of Part 3 of Division 6 of the Family Code, relating to family law case management.

LEGISLATIVE COUNSEL'S DIGEST

AB 939, as introduced, Committee on Judiciary. Family Law Access to Justice Act.

Existing law provides for the dissolution of marriage, the division of community property, and for the custody and support of children, among other matters, in the family courts. Existing law requires the court to hold a preliminary status conference to consider whether case management shall be undertaken and a case management plan ordered, as specified, on motion of a party, or the court's own motion. Existing law prohibits a court from ordering a case management plan absent stipulation of the parties and the plan may be terminated at any time upon stipulation of the parties or order of the court. Existing law sets forth the procedures that may be included in the court-ordered case management plan. Existing law authorizes the Judicial Council to, by rule, modify these procedures.

This bill would repeal those provisions and would instead enact the Family Law Access to Justice Act. The bill would authorize the court to order that case management plans be developed or that case management services be provided for any family law case at the request

of a party or on the court's own motion, without stipulation by the parties.

The bill would require the Judicial Council to adopt a rule on or before January 1, 2011, setting forth the procedures that may be used to implement the use of case management plans or services for family law litigants, as specified. The bill would include a statement of legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 "Family Law Access to Justice Act."

3 SEC. 2. Chapter 6 (commencing with Section 2450) of Part 3
4 of Division 6 of the Family Code is repealed.

5 SEC. 3. Chapter 6 (commencing with Section 2450) is added
6 to Part 3 of Division 6 of the Family Code, to read:

7
8 CHAPTER 6. FAMILY LAW ACCESS TO JUSTICE ACT
9

10 2450. The Legislature finds and declares the following:

11 (a) Hundreds of thousands of family law litigants seek assistance
12 from the courts each year to resolve critical issues in the lives of
13 their children and families. These litigants, and their children, are
14 entitled to due process of law and a timely and appropriate
15 resolution of their cases.

16 (b) In order to ensure timely and appropriate resolutions, courts
17 must have the authority to assess the needs of each case early in
18 the process and have procedures for continued monitoring to ensure
19 that litigants understand what is required of them, and can be
20 referred to any and all appropriate resources.

21 (c) Courts must have the tools to manage their calendars in a
22 manner that promotes efficiency and reduces the cost of family
23 law litigation so that litigants are spared unnecessary court
24 appearances that drain their families' financial resources, and
25 scarce judicial resources are used effectively to ensure due process
26 of law.

27 (d) Because many individuals only have contact with the courts
28 through their family law cases, judicial officers in family law

1 assignments have a unique and critical role to play by ensuring
2 that justice is served throughout the family court process, and by
3 actively promoting the completion of cases in a timely manner.
4 To the extent that these litigants do not perceive that they have
5 been fairly treated, their perception that the court system is just is
6 significantly diminished.

7 2451. (a) The court may order that case management plans be
8 developed or that case management services be provided for any
9 family law case at the request of a party, or on the court's own
10 motion without stipulation by the parties.

11 (b) On or before January 1, 2011, the Judicial Council shall
12 adopt a rule of court setting forth the procedures that may be used
13 to implement the use of case management plans or services for
14 family law litigants. That rule shall address, but shall not be limited
15 to, procedures for the following:

16 (1) Early neutral evaluation of cases to ensure that litigants can
17 receive assistance with the resolution of their cases.

18 (2) Referrals to appropriate resources, including alternative
19 dispute resolution, self-help services, or options for representation.

20 (3) Management of discovery.

21 (4) Use of conference calls and telephonic appearances.

22 (5) Appointment of experts.

23 (6) Case calendaring of events in a case.

24 (7) Status conferences to ensure that cases remain on the
25 appropriate path.

26 (8) A process to inform litigants about the case management
27 procedures the court may use.